



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|---------------|----------------------|---------------------|------------------|
| 10/552,884 | 10/13/2005 | Mauri Salmisuo | ST9175PCT(US) | 9186 |
| 22203 | 7590 | 12/18/2007 | EXAMINER | |
| KUSNER & JAFFE HIGHLAND PLACE SUITE 310 6151 WILSON MILLS ROAD HIGHLAND HEIGHTS, OH 44143 | | | PRICE, CRAIG JAMES | |
| ART UNIT | PAPER NUMBER | | | |
| | 3753 | | | |
| MAIL DATE | DELIVERY MODE | | | |
| 12/18/2007 | PAPER | | | |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 10/552,884 | SALMISUO, MAURI | |
| | Examiner | Art Unit | |
| | Craig Price | 3753 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 28 September 2007.
 2a) This action is **FINAL**. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-5 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-5 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 28 September 2007 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
 3) Information Disclosure Statement(s) (PTO/SB/08)
 Paper No(s)/Mail Date _____
- 4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____
- 5) Notice of Informal Patent Application
 6) Other: _____

DETAILED ACTION

Drawings

1. Applicant's amendment overcomes the drawing objections.

Claim Rejections - 35 USC § 112

2. Applicant's amendment overcomes the rejections.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by Abey (GB 595,100).

Abey discloses a sanitizable float valve to be used in water purification circulation, the valve comprising,

a body (3) defining a valve chamber,

a fluid inlet (6) disposed in the body fluidly communicating with the chamber,

a fluid outlet disposed in the body fluidly communicating with the chamber, and a closing element (15) placed into the valve chamber of the body, the closing element having a length essentially longer than a diameter of the closing element, wherein the valve chamber of the body and the closing element are dimensioned to form an allowance therebetween and wherein fluid exiting the valve exits through the allowance or through the fluid outlet when the valve is open.

Regarding claim 2, Abey discloses that the closing element (the cone of 15) has a partly convex sealing surface dimensioned to sealingly engage the fluid inlet of the valve, see also column 3, lines 11-15, "valve plug may have its operating end shaped part-spherical".

Regarding claim 3, Abey discloses that an end of the closing element opposite to a front surface is rounded. The cone portion is round and certainly the tip of the cone must have at least some small radius on the tip, see also column 3, lines 11-15, "valve plug may have its operating end shaped part-spherical". Alternatively, the other end (16) as shown in figure 3 is rounded.

Regarding claim 4, Abey discloses that the valve chamber is substantially cylindrical in form (the chamber contour conforms to the "tubular portion" of the valve) and the closing element of the valve is substantially circular in cross section (Col.2, Lns. 83-87).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Abey'100 in view of Bierman (2,793,654).

Abey is silent to the float valve having a closing element made from PTFE.

Bierman discloses a float assembly, which teaches a valve made from PTFE (Col.2, Lns. 33-38).

It would have been obvious to one of ordinary skill in the art at the time of invention to employ the PTFE closing element of Bierman into the assembly of Abey in order to "give no leakage" (Col.2, Lns. 33-38).

Response to Arguments

6. Applicant's arguments filed 9/28/2007 have been fully considered but they are not persuasive. Arguments concerning the limitation "wherein fluid flowing through the valve exits through the allowance or through the fluid outlet when the valve is open", is not persuasive, because fluid does flow through the outlet when the valve is open. There is no limitation as presented which states that part of the fluid goes through the allowance and the majority of fluid through the opening. The claim uses the limitation "or" which is taken to mean that the fluid can go through one outlet or the other, therefore the Abey reference meets the claim limitation.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Craig Price whose telephone number is (571) 272-2712. The examiner can normally be reached on 7AM - 5:30PM Mon-Thurs, Increased flex time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Greg Huson can be reached on (571) 272-4887. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CP



10 December 2007



RAMESH KIRSHNAMURTHY
PRIMARY EXAMINER